

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 6. This sheet, which includes Figure 6, replaces original Figure 6.

Attachment: Replacement Sheet

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 2-3, 8-11 are presently active in this case. The present Amendment amends Claims 2-3 and 8-11 and cancels Claims 1, 4-7 and 12-18.

The outstanding Office Action objected to the Specification, the Claims and Drawings because of informalities. Claims 1 and 3 have been rejected under 35 U.S.C. §102(b) as anticipated by either Neidert et al. (U.S. Patent No. 4,630,011, herein “Neidert”) or MacLeay et al. (U.S. Patent No. 3,560,891, herein “MacLeay”). Claim 17 was rejected under 35 U.S.C. §103(a) as unpatentable over Neidert. Claims 7, 9 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Agar, Jr. et al. (U.S. Patent No. 5,576,671, herein “Agar”) in view of Neidert. Claim 11 is rejected under 35 U.S.C. §103(a) as unpatentable over the preceding rejection as applied to Claim 12 and further in view of the Japanese Abstract (JP 8-8660).

Claims 2 and 8 were indicated as allowable if rewritten in independent form. Applicant acknowledges with appreciation the indication of allowable subject matter. In response, allowable objectionable Claims 2 and 8 are rewritten in independent form, by incorporating all the features of independent Claims 1 and 7 respectively.

In response to the Restriction Requirement being made final, Claims 4-6, 12-16 and 18, directed to non-elected inventions, are canceled. Applicant reserves the right to present claims directed to the non-elected inventions in a divisional application, which shall be subject to the third sentence of 35 U.S.C. § 121.¹

In response to the objections to the Specification and the Abstract, the Specification is amended and the Abstract of the Disclosure is rewritten to correct the noted informalities,

¹ "A patent issuing on an application with respect to which a requirement for restriction under this section has been made ... shall not be used as a reference ... against a divisional application." See also MPEP 804.01.

grammatical and idiomatic errors, and to be made consistent with the changes to the drawings. In light of their formal nature, the changes to the Specification and the Abstract do not raise a question of new matter.

In response to the objection to the Drawings, submitted herewith is a Letter Submitting Drawing Sheets along with 1 Replacement Sheet for Figure 6 changing the appropriate labels. In accordance with Figure 5 and the Specification, the amplifier now shows the label 25, the phase shifter shows the label 24 and the power monitor device shows the label 28.

In response to the objection of the Specification as failing to provide a proper antecedent basis for Claims 3 and 9, Applicant respectfully traverse the objection. In the Specification from page 8, line 21 to page 9, line 4, the first embodiment recites that “the phase shift amount can be controlled in a continuous or stepwise fashion.” Therefore an antecedent basis is provided in the specification and 37 C.F.R. 1.75(d)(1) is respected.

In response to the objection to Claims 1, 7, 8-11 and 17, Claims 8-11 are amended to correct the noted informalities. Further, Claims 2-3 are amended to correct minor informalities. In view of amended Claims 8-11, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 2-3 and 8-11 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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